

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 24, 2007

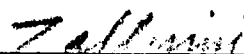
Date


Honorable David Dewhurst
President of the Senate

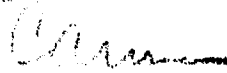
Honorable Tom Craddick
Speaker of the House of Representatives

Sirs:

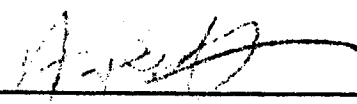
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 6 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

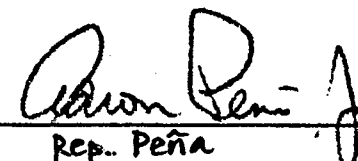

Sen. Zaffirini

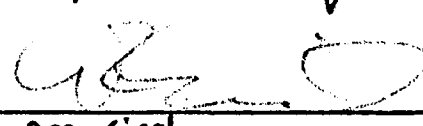

Sen. Alarcon

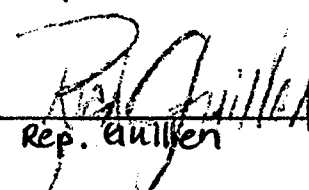

Sen. Carona


Sen. Litlfe

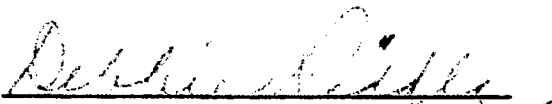

On the part of the Senate
Sen. Averitt


Rep. Peña


Rep. Eissler


Rep. Guillen


Rep. Parker


On the part of the House
Rep. Riddle

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 6

A BILL TO BE ENTITLED

AN ACT

relating to the apprehension, prosecution, and punishment of individuals committing or attempting to commit certain sex offenses, to the placement by public schools of certain students who are sex offenders, and to the notification requirements concerning certain offenses committed by students.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 15.27, Code of Criminal Procedure, is amended by adding Subsections (a-1) and (j) and amending Subsections (b) and (c) to read as follows:

(a-1) The superintendent or a person designated by the superintendent in the school district may send to a school district employee having direct supervisory responsibility over the student the information contained in the confidential notice under Subsection (a) if the superintendent or the person designated by the superintendent determines that the employee needs the information for educational purposes or for the protection of the person informed or others.

(b) On conviction, deferred prosecution, or deferred adjudication or an adjudication of delinquent conduct of an individual enrolled as a student in a public primary or secondary school, for an offense or for any conduct listed in Subsection (h) of this article, the office of the prosecuting attorney acting in the case shall orally notify the superintendent or a person

1 designated by the superintendent in the school district in which
2 the student is enrolled of the conviction or adjudication and
3 whether the student is required to register as a sex offender under
4 Chapter 62. Oral notification must be given within 24 hours of the
5 time of the order or on the next school day. The superintendent
6 shall, within 24 hours of receiving notification from the office of
7 the prosecuting attorney, [~~promptly~~] notify all instructional and
8 support personnel who have regular contact with the student.
9 Within seven days after the date the oral notice is given, the
10 office of the prosecuting attorney shall mail written notice, which
11 must contain a statement of the offense of which the individual is
12 convicted or on which the adjudication, deferred adjudication, or
13 deferred prosecution is grounded and a statement of whether the
14 student is required to register as a sex offender under Chapter 62.

15 (c) A parole, ~~or~~ probation, or community supervision
16 office, including a community supervision and corrections
17 department, a juvenile probation department, the paroles division
18 of the Texas Department of Criminal Justice, and the Texas Youth
19 Commission, having jurisdiction over a student described by
20 Subsection (a), (b), or (e) who transfers from a school or is
21 subsequently removed from a school and later returned to a school or
22 school district other than the one the student was enrolled in when
23 the arrest, referral to a juvenile court, conviction, or
24 adjudication occurred shall within 24 hours of learning of the
25 student's transfer or reenrollment notify the new school officials
26 of the arrest or referral in a manner similar to that provided for
27 by Subsection (a) or (e)(1), or of the conviction or delinquent

adjudication in a manner similar to that provided for by Subsection (b) or (e)(2). The new school officials shall, within 24 hours of receiving notification under this subsection, ~~[promptly]~~ notify all instructional and support personnel who have regular contact with the student.

(j) The notification provisions of this section concerning a person who is required to register as a sex offender under Chapter 62 do not lessen the requirement of a person to provide any additional notification prescribed by that chapter.

SECTION 2. Title 1, Code of Criminal Procedure, is amended by adding Chapter 24A to read as follows:

CHAPTER 24A. RESPONDING TO SUBPOENAS AND CERTAIN OTHER COURT ORDERS; PRESERVING CERTAIN INFORMATION

SUBCHAPTER A. RESPONDING TO SUBPOENAS AND CERTAIN OTHER COURT ORDERS

Art. 24A.001. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a subpoena, search warrant, or other court order that:

(1) relates to the investigation or prosecution of a criminal offense under Section 33.021, Penal Code; and

(2) is served on or issued with respect to an Internet service provider that provides service in this state.

Art. 24A.002. RESPONSE REQUIRED; DEADLINE FOR RESPONSE.

(a) Except as provided by Subsection (b), not later than the 10th day after the date on which an Internet service provider is served with or otherwise receives a subpoena, search warrant, or other court order described by Article 24A.001, the Internet service

1 provider shall:

2 (1) fully comply with the subpoena, warrant, or order;

3 or

4 (2) petition a court to excuse the Internet service
5 provider from complying with the subpoena, warrant, or order.

6 (b) As soon as is practicable, and in no event later than the
7 second business day after the date the Internet service provider is
8 served with or otherwise receives a subpoena, search warrant, or
9 other court order described by Article 24A.001, the Internet
10 service provider shall fully comply with the subpoena, search
11 warrant, or order if the subpoena, search warrant, or order
12 indicates that full compliance is necessary to address a situation
13 that threatens a person with death or other serious bodily injury.

14 (c) For the purposes of Subsection (a)(1), full compliance
15 with the subpoena, warrant, or order includes:

16 (1) producing or providing, to the extent permitted
17 under federal law, all documents or information requested under the
18 subpoena, warrant, or order; or

19 (2) providing, to the extent permitted under federal
20 law, electronic access to all documents or information requested
21 under the subpoena, warrant, or order.

22 Art. 24A.003. DISOBEYING SUBPOENA, WARRANT, OR ORDER. An
23 Internet service provider that disobeys a subpoena, search warrant,
24 or other court order described by Article 24A.001 and that was not
25 excused from complying with the subpoena, warrant, or order under
26 Article 24A.002(a)(2) may be punished in any manner provided by
27 law.

1 [Articles 24A.004-24A.050 reserved for expansion]

2 SUBCHAPTER B. PRESERVING CERTAIN INFORMATION

3 Art. 24A.051. PRESERVING INFORMATION. (a) On written
4 request of a law enforcement agency in this state or a federal law
5 enforcement agency and pending the issuance of a subpoena or other
6 court order described by Article 24A.001, an Internet service
7 provider that provides service in this state shall take all steps
8 necessary to preserve all records or other potential evidence in a
9 criminal trial that is in the possession of the Internet service
10 provider.

11 (b) Subject to Subsection (c), an Internet service provider
12 shall preserve information under Subsection (a) for a period of 90
13 days after the date the Internet service provider receives the
14 written request described by Subsection (a).

15 (c) An Internet service provider shall preserve information
16 under Subsection (a) for the 90-day period immediately following
17 the 90-day period described by Subsection (b) if the requesting law
18 enforcement agency in writing requests an extension of the
19 preservation period.

20 SECTION 3. Chapter 37, Education Code, is amended by adding
21 Subchapter I to read as follows:

22 SUBCHAPTER I. PLACEMENT OF REGISTERED SEX OFFENDERS

23 Sec. 37.301. DEFINITION. In this subchapter, "board of
24 trustees" includes the board's designee.

25 Sec. 37.302. APPLICABILITY. This subchapter:

26 (1) applies to a student who is required to register as
27 a sex offender under Chapter 62, Code of Criminal Procedure; and

(2) does not apply to a student who is no longer required to register as a sex offender under Chapter 62, Code of Criminal Procedure, including a student who receives an exemption from registration under Subchapter H, Chapter 62, Code of Criminal Procedure, or a student who receives an early termination of the obligation to register under Subchapter I, Chapter 62, Code of Criminal Procedure.

Sec. 37.303. REMOVAL OF REGISTERED SEX OFFENDER FROM REGULAR CLASSROOM. Notwithstanding any provision of Subchapter A, on receiving notice under Article 15.27, Code of Criminal Procedure, or Chapter 62, Code of Criminal Procedure, that a student is required to register as a sex offender under that chapter, a school district shall remove the student from the regular classroom and determine the appropriate placement of the student in the manner provided by this subchapter.

Sec. 37.304. PLACEMENT OF REGISTERED SEX OFFENDER WHO IS UNDER COURT SUPERVISION. (a) A school district shall place a student to whom this subchapter applies and who is under any form of court supervision, including probation, community supervision, or parole, in the appropriate alternative education program as provided by Section 37.309 for at least one semester.

(b) If a student transfers to another school district during the student's mandatory placement in an alternative education program under Subsection (a), the district to which the student transfers may:

(1) require the student to complete an additional semester in the appropriate alternative education program without

1 conducting a review of the student's placement for that semester
2 under Section 37.306; or

3 (2) count any time spent by the student in an
4 alternative education program in the district from which the
5 student transfers toward the mandatory placement requirement under
6 Subsection (a).

7 Sec. 37.305. PLACEMENT OF REGISTERED SEX OFFENDER WHO IS
8 NOT UNDER COURT SUPERVISION. A school district may place a student
9 to whom this subchapter applies and who is not under any form of
10 court supervision in the appropriate alternative education program
11 as provided by Section 37.309 for one semester or in the regular
12 classroom. The district may not place the student in the regular
13 classroom if the district board of trustees determines that the
14 student's presence in the regular classroom:

15 (1) threatens the safety of other students or
16 teachers;

17 (2) will be detrimental to the educational process; or

18 (3) is not in the best interests of the district's
19 students.

20 Sec. 37.306. REVIEW OF PLACEMENT IN ALTERNATIVE EDUCATION
21 PROGRAM. (a) At the end of the first semester of a student's
22 placement in an alternative education program under Section 37.304
23 or 37.305, the school district board of trustees shall convene a
24 committee to review the student's placement in the alternative
25 education program. The committee must be composed of:

26 (1) a classroom teacher from the campus to which the
27 student would be assigned were the student not placed in an

1 alternative education program;

2 (2) the student's parole or probation officer or, in
3 the case of a student who does not have a parole or probation
4 officer, a representative of the local juvenile probation
5 department;

6 (3) an instructor from the alternative education
7 program to which the student is assigned;

8 (4) a school district designee selected by the board
9 of trustees; and

10 (5) a counselor employed by the school district.

11 (b) The committee by majority vote shall determine and
12 recommend to the school district board of trustees whether the
13 student should be returned to the regular classroom or remain in the
14 alternative education program.

15 (c) If the committee recommends that the student be returned
16 to the regular classroom, the board of trustees shall return the
17 student to the regular classroom unless the board determines that
18 the student's presence in the regular classroom:

19 (1) threatens the safety of other students or
20 teachers;

21 (2) will be detrimental to the educational process; or

22 (3) is not in the best interests of the district's
23 students.

24 (d) If the committee recommends that the student remain in
25 the alternative education program, the board of trustees shall
26 continue the student's placement in the alternative education
27 program unless the board determines that the student's presence in

1 the regular classroom:

2 (1) does not threaten the safety of other students or
3 teachers;

4 (2) will not be detrimental to the educational
5 process; and

6 (3) is not contrary to the best interests of the
7 district's students.

8 (e) If, after receiving a recommendation under Subsection
9 (b), the school district board of trustees determines that the
10 student should remain in an alternative education program, the
11 board shall before the beginning of each school year convene the
12 committee described by Subsection (a) to review, in the manner
13 provided by Subsections (b), (c), and (d), the student's placement
14 in an alternative education program.

15 Sec. 37.307. PLACEMENT AND REVIEW OF STUDENT WITH
16 DISABILITY. (a) The placement under this subchapter of a student
17 with a disability who receives special education services must be
18 made in compliance with the Individuals with Disabilities Education
19 Act (20 U.S.C. Section 1400 et seq.).

20 (b) The review under Section 37.306 of the placement of a
21 student with a disability who receives special education services
22 may be made only by a duly constituted admission, review, and
23 dismissal committee. The admission, review, and dismissal
24 committee may request that the board of trustees convene a
25 committee described by Section 37.306(a) to assist the admission,
26 review, and dismissal committee in conducting the review.

27 Sec. 37.308. TRANSFER OF REGISTERED SEX OFFENDER. Except

as provided by Section 37.304(b), a school district shall determine whether to place a student to whom this subchapter applies and who transfers to the district in the appropriate alternative education program as provided by Section 37.309 or in a regular classroom. The school district shall follow the procedures specified under Section 37.306 in making the determination.

Sec. 37.309. PLACEMENT IN DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM OR JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM. (a) Except as provided by Subsection (b), a school district shall place a student who is required by the board of trustees to attend an alternative education program under this subchapter in a disciplinary alternative education program.

(b) A school district shall place a student who is required by the board of trustees to attend an alternative education program under this subchapter in a juvenile justice alternative education program if:

(1) the memorandum of understanding entered into between the school district and juvenile board under Section 37.011(k) provides for the placement of students to whom this subchapter applies in the juvenile justice alternative education program; or

(2) a court orders the placement of the student in a juvenile justice alternative education program.

Sec. 37.310. FUNDING FOR REGISTERED SEX OFFENDER PLACED IN JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM. A juvenile justice alternative education program is entitled to funding for a student who is placed in the program under this subchapter in the same

1 manner as a juvenile justice alternative education program is
2 entitled to funding under Section 37.012 for a student who is
3 expelled and placed in a juvenile justice alternative education
4 program for conduct for which expulsion is permitted but not
5 required under Section 37.007.

6 Sec. 37.311. CONFERENCE. (a) A student or the student's
7 parent or guardian may appeal a decision by a school district board
8 of trustees to place the student in an alternative education
9 program under this subchapter by requesting a conference among the
10 board of trustees, the student's parent or guardian, and the
11 student. The conference is limited to the factual question of
12 whether the student is required to register as a sex offender under
13 Chapter 62, Code of Criminal Procedure.

14 (b) If the school district board of trustees determines at
15 the conclusion of the conference that the student is required to
16 register as a sex offender under Chapter 62, Code of Criminal
17 Procedure, the student is subject to placement in an alternative
18 education program in the manner provided by this subchapter.

19 (c) A decision by the board of trustees under this section
20 is final and may not be appealed.

21 Sec. 37.312. LIABILITY. This subchapter does not:

22 (1) waive any liability or immunity of a governmental
23 entity or its officers or employees; or

24 (2) create any liability for or a cause of action
25 against a governmental entity or its officers or employees.

26 Sec. 37.313. CONFLICTS OF LAW. To the extent of any
27 conflict between a provision of this subchapter and a provision of

1 Subchapter A, this subchapter prevails.

2 SECTION 4. Subchapter B, Chapter 402, Government Code, is
3 amended by adding Section 402.0281 to read as follows:

4 Sec. 402.0281. INTERNET SERVICE PROVIDER DATABASE.

5 (a) The attorney general shall establish a computerized database
6 containing contact information for all Internet service providers
7 providing service in this state. The contact information must
8 include:

9 (1) the name and physical address of the person
10 authorized to accept service of process for the Internet service
11 provider; and

12 (2) the physical address of the Internet service
13 provider's principal place of business in this state.

14 (b) At the request of a district attorney, criminal district
15 attorney, county attorney, law enforcement agency of this state, or
16 local law enforcement agency, the attorney general shall allow the
17 requestor access to the database to expedite the
18 information-gathering process of a criminal investigation
19 conducted by the requestor concerning an offense under Section
20 33.021, Penal Code.

21 SECTION 5. Section 414.005, Government Code, is amended to
22 read as follows:

23 Sec. 414.005. DUTIES. The council shall:

24 (1) encourage, advise, and assist in the creation of
25 crime stoppers organizations;

26 (2) foster the detection of crime and encourage
27 persons to report information about criminal acts;

1 (3) encourage news and other media to broadcast
2 reenactments and to inform the public of the functions of crime
3 stoppers organizations' operations and programs;

4 (4) promote the process of crime stoppers
5 organizations to forward information about criminal acts to the
6 appropriate law enforcement agencies; ~~and~~

7 (5) help law enforcement agencies detect and combat
8 crime by increasing the flow of information to and between law
9 enforcement agencies;

10 (6) create specialized programs targeted at detecting
11 specific crimes or types of crimes, including at least one program
12 that:

13 (A) encourages individuals to report sex
14 offenders who have failed to register under Chapter 62, Code of
15 Criminal Procedure; and

16 (B) financially rewards each individual who
17 makes a report described by Paragraph (A) that leads or
18 substantially contributes to the arrest or apprehension of a sex
19 offender who has failed to register under Chapter 62, Code of
20 Criminal Procedure; and

21 (7) encourage, advise, and assist crime stoppers
22 organizations in implementing any programs created under
23 Subdivision (6), including a program specifically described by
24 Subdivision (6).

25 SECTION 6. Subsection (b), Section 3.03, Penal Code, is
26 amended to read as follows:

27 (b) If the accused is found guilty of more than one offense

arising out of the same criminal episode, the sentences may run concurrently or consecutively if each sentence is for a conviction of:

(1) an offense:

(A) under Section 49.07 or 49.08, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of both sections; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A), regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of both sections;

(2) an offense:

(A) under Section 33.021 or an offense under Section 21.11, 22.011, 22.021, 25.02, or 43.25 committed against a victim younger than 17 years of age at the time of the commission of the offense regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of more than one section; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A) committed against a victim younger than 17 years of age at the time of the commission of the offense regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of more than one section; or

(3) an offense:

1 (A) under Section 21.15 or 43.26, regardless of
2 whether the accused is convicted of violations of the same section
3 more than once or is convicted of violations of both sections; or

4 (B) for which a plea agreement was reached in a
5 case in which the accused was charged with more than one offense
6 listed in Paragraph (A), regardless of whether the accused is
7 charged with violations of the same section more than once or is
8 charged with violations of both sections.

9 SECTION 7. Subsection (f), Section 33.021, Penal Code, is
10 amended to read as follows:

11 (f) An offense under Subsection (b) is a ~~[state jail]~~ felony
12 of the third degree, except that the offense is a felony of the
13 second degree if the minor is younger than 14 years of age or is an
14 individual whom the actor believes to be younger than 14 years of
15 age at the time of the commission of the offense. An~~[, and an]~~
16 offense under Subsection (c) is a felony of the second ~~[third]~~
17 degree~~[, except that an offense under Subsection (b) or (c) is a~~
18 ~~felony of the second degree if the minor is younger than 14 years of~~
19 ~~age or is an individual whom the actor believes to be younger than~~
20 ~~14 years of age].~~

21 SECTION 8. Subsection (d), Article 15.27, Code of Criminal
22 Procedure, is repealed.

23 SECTION 9. Subchapter I, Chapter 37, Education Code, as
24 added by this Act, applies only to an offense committed on or after
25 the effective date of this Act. An offense committed before the
26 effective date of this Act is governed by the law in effect when the
27 offense was committed, and the former law is continued in effect for

1 that purpose. For purposes of this section, an offense was
2 committed before the effective date of this Act if any element of
3 the offense occurred before that date.

4 SECTION 10. The attorney general shall ensure that the
5 database required under Section 402.0281, Government Code, as added
6 by this Act, is fully operational not later than April 1, 2008, and
7 not later than June 1, 2008, shall begin allowing requesting
8 parties access to that database as described by that section.

9 SECTION 11. Subsection (b), Section 3.03, and Subsection
10 (f), Section 33.021, Penal Code, as amended by this Act, apply only
11 to an offense committed on or after September 1, 2007. An offense
12 committed before September 1, 2007, is covered by the law in effect
13 when the offense was committed, and the former law is continued in
14 effect for that purpose. For the purposes of this section, an
15 offense was committed before September 1, 2007, if any element of
16 the offense occurred before that date.

17 SECTION 12. This Act takes effect September 1, 2007.

Senate Bill 6
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

No equivalent provision.

HOUSE VERSION

SECTION __. Article 15.27, Code of Criminal Procedure, is amended by amending Subsections (b) and (c) and adding Subsections (a-1) and (j) to read as follows:

(a-1) The superintendent or a person designated by the superintendent in the school district may send to a school district employee having direct supervisory responsibility over the student the information contained in the confidential notice under Subsection (a) if the superintendent or the person designated by the superintendent determines that the employee needs the information for educational purposes or for the protection of the person informed or others.

(b) On conviction, deferred prosecution, or deferred adjudication or an adjudication of delinquent conduct of an individual enrolled as a student in a public primary or secondary school, for an offense or for any conduct listed in Subsection (h) of this article, the office of the prosecuting attorney acting in the case shall orally notify the superintendent or a person designated by the superintendent in the school district in which the student is enrolled of the conviction or adjudication and whether the student is required to register as a sex offender under Chapter 62. Oral notification must be given within 24 hours of the time of the order or on the next school day. The superintendent shall, within 24 hours of receiving notification from the office of the prosecuting attorney, ~~promptly~~ notify all instructional and support personnel who have regular contact with the student. Within seven days after the date the oral notice is given, the office of

CONFERENCE

Same as House version.

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SENATE VERSION

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CONFERENCE

the prosecuting attorney shall mail written notice, which must contain a statement of the offense of which the individual is convicted or on which the adjudication, deferred adjudication, or deferred prosecution is grounded and a statement of whether the student is required to register as a sex offender under Chapter 62.

(c) A parole, ~~[or]~~ probation, or community supervision office, including a community supervision and corrections department, a juvenile probation department, the paroles division of the Texas Department of Criminal Justice, and the Texas Youth Commission, having jurisdiction over a student described by Subsection (a), (b), or (e) who transfers from a school or is subsequently removed from a school and later returned to a school or school district other than the one the student was enrolled in when the arrest, referral to a juvenile court, conviction, or adjudication occurred shall within 24 hours of learning of the student's transfer or reenrollment notify the new school officials of the arrest or referral in a manner similar to that provided for by Subsection (a) or (e)(1), or of the conviction or delinquent adjudication in a manner similar to that provided for by Subsection (b) or (e)(2). The new school officials shall, within 24 hours of receiving notification under this subsection, ~~[promptly]~~ notify all instructional and support personnel who have regular contact with the student.

(j) The notification provisions of this section concerning a person who is required to register as a sex offender under Chapter 62 do not lessen the requirement of a person to provide any additional notification prescribed

Senate Bill 6
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Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

SECTION 1. Title 1, Code of Criminal Procedure, is amended by adding Chapter 24A.

No equivalent provision.

by that chapter.

Same as Senate version.

Same as Senate version.

SECTION __. Chapter 37, Education Code, is amended by adding Subchapter I to read as follows:
SUBCHAPTER I. PLACEMENT OF REGISTERED SEX OFFENDERS
Sec. 37.301. DEFINITION. In this subchapter, "board of trustees" includes the board's designee.
Sec. 37.302. APPLICABILITY. This subchapter:
(1) applies to a student who is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; and
(2) does not apply to a student who is no longer required to register as a sex offender under Chapter 62, Code of Criminal Procedure, including a student who receives an exemption from registration under Subchapter H, Chapter 62, Code of Criminal Procedure, or a student who receives an early termination of the obligation to register under Subchapter I, Chapter 62, Code of Criminal Procedure.
Sec. 37.303. REMOVAL OF REGISTERED SEX OFFENDER FROM REGULAR CLASSROOM. Notwithstanding any provision of Subchapter A, on receiving notice under Article 15.27, Code of Criminal Procedure, or Chapter 62, Code of Criminal Procedure, that a student is required to register as a sex offender under that chapter, a school district shall remove the

Same as House version.

Senate Bill 6
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CONFERENCE

student from the regular classroom and determine the appropriate placement of the student in the manner provided by this subchapter.

Sec. 37.304. PLACEMENT OF REGISTERED SEX OFFENDER WHO IS UNDER COURT SUPERVISION. (a) A school district shall place a student to whom this subchapter applies and who is under any form of court supervision, including probation, community supervision, or parole, in the appropriate alternative education program as provided by Section 37.309 for at least one semester.

(b) If a student transfers to another school district during the student's mandatory placement in an alternative education program under Subsection (a), the district to which the student transfers may:

(1) require the student to complete an additional semester in the appropriate alternative education program without conducting a review of the student's placement for that semester under Section 37.306; or

(2) count any time spent by the student in an alternative education program in the district from which the student transfers toward the mandatory placement requirement under Subsection (a).

Sec. 37.305. PLACEMENT OF REGISTERED SEX OFFENDER WHO IS NOT UNDER COURT SUPERVISION. A school district may place a student to whom this subchapter applies and who is not under any form of court supervision in the appropriate alternative education program as provided by Section 37.309 for one semester or in the regular classroom. The

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Conference Committee Report
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SENATE VERSION

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CONFERENCE

district may not place the student in the regular classroom if the district board of trustees determines that the student's presence in the regular classroom:

(1) threatens the safety of other students or teachers;

(2) will be detrimental to the educational process; or

(3) is not in the best interests of the district's students.

Sec. 37.306. REVIEW OF PLACEMENT IN ALTERNATIVE EDUCATION PROGRAM. (a) At the end of the first semester of a student's placement in an alternative education program under Section 37.304 or 37.305, the school district board of trustees shall convene a committee to review the student's placement in the alternative education program. The committee must be composed of:

(1) a classroom teacher from the campus to which the student would be assigned were the student not placed in an alternative education program;

(2) the student's parole or probation officer or, in the case of a student who does not have a parole or probation officer, a representative of the local juvenile probation department;

(3) an instructor from the alternative education program to which the student is assigned;

(4) a school district designee selected by the board of trustees; and

(5) a counselor employed by the school district.

(b) The committee by majority vote shall determine and recommend to the school district board of trustees whether the student should be returned to the regular classroom or remain in the alternative education

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program.

(c) If the committee recommends that the student be returned to the regular classroom, the board of trustees shall return the student to the regular classroom unless the board determines that the student's presence in the regular classroom:

(1) threatens the safety of other students or teachers;

(2) will be detrimental to the educational process; or

(3) is not in the best interests of the district's students.

(d) If the committee recommends that the student remain in the alternative education program, the board of trustees shall continue the student's placement in the alternative education program unless the board determines that the student's presence in the regular classroom:

(1) does not threaten the safety of other students or teachers;

(2) will not be detrimental to the educational process; and

(3) is not contrary to the best interests of the district's students.

(e) If, after receiving a recommendation under Subsection (b), the school district board of trustees determines that the student should remain in an alternative education program, the board shall before the beginning of each school year convene the committee described by Subsection (a) to review, in the manner provided by Subsections (b), (c), and (d), the student's placement in an alternative education program.

Sec. 37.307. PLACEMENT AND REVIEW OF

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STUDENT WITH DISABILITY. (a) The placement under this subchapter of a student with a disability who receives special education services must be made in compliance with the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

(b) The review under Section 37.306 of the placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal committee. The admission, review, and dismissal committee may request that the board of trustees convene a committee described by Section 37.306(a) to assist the admission, review, and dismissal committee in conducting the review.

Sec. 37.308. TRANSFER OF REGISTERED SEX OFFENDER. Except as provided by Section 37.304(b), a school district shall determine whether to place a student to whom this subchapter applies and who transfers to the district in the appropriate alternative education program as provided by Section 37.309 or in a regular classroom. The school district shall follow the procedures specified under Section 37.306 in making the determination.

Sec. 37.309. PLACEMENT IN DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM OR JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM. (a) Except as provided by Subsection (b), a school district shall place a student who is required by the board of trustees to attend an alternative education program under this subchapter in a disciplinary alternative education program.

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(b) A school district shall place a student who is required by the board of trustees to attend an alternative education program under this subchapter in a juvenile justice alternative education program if:

(1) the memorandum of understanding entered into between the school district and juvenile board under Section 37.011(k) provides for the placement of students to whom this subchapter applies in the juvenile justice alternative education program; or

(2) a court orders the placement of the student in a juvenile justice alternative education program.

Sec. 37.310. FUNDING FOR REGISTERED SEX OFFENDER PLACED IN JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM. A juvenile justice alternative education program is entitled to funding for a student who is placed in the program under this subchapter in the same manner as a juvenile justice alternative education program is entitled to funding under Section 37.012 for a student who is expelled and placed in a juvenile justice alternative education program for conduct for which expulsion is permitted but not required under Section 37.007.

Sec. 37.311. CONFERENCE. (a) A student or the student's parent or guardian may appeal a decision by a school district board of trustees to place the student in an alternative education program under this subchapter by requesting a conference among the board of trustees, the student's parent or guardian, and the student. The conference is limited to the factual question of whether the student is required to register as a sex offender under

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Chapter 62, Code of Criminal Procedure.
(b) If the school district board of trustees determines at the conclusion of the conference that the student is required to register as a sex offender under Chapter 62, Code of Criminal Procedure, the student is subject to placement in an alternative education program in the manner provided by this subchapter.
(c) A decision by the board of trustees under this section is final and may not be appealed.
Sec. 37.312. LIABILITY. This subchapter does not:
(1) waive any liability or immunity of a governmental entity or its officers or employees; or
(2) create any liability for or a cause of action against a governmental entity or its officers or employees.
Sec. 37.313. CONFLICTS OF LAW. To the extent of any conflict between a provision of this subchapter and a provision of Subchapter A, this subchapter prevails.

SECTION 2. Subchapter B, Chapter 402, Government Code, is amended by adding Section 402.0281.

Same as Senate version.

Same as Senate version.

SECTION 3. Section 414.005, Government Code, is amended.

Same as Senate version.

Same as Senate version.

SECTION 4. Subsection (b), Section 3.03, Penal Code, is amended.

Same as Senate version.

Same as Senate version.

SECTION 5. Subsection (f), Section 33.021, Penal Code, is amended.

Same as Senate version.

Same as Senate version.

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No equivalent provision.	SECTION __. Subsection (d), Article 15.27, Code of Criminal Procedure, is repealed.	Same as House version.
No equivalent provision.	SECTION __. Saving provision relating to an offense under Subchapter I, Chapter 37, Education Code, as added by this Act.	Same as House version.
SECTION 6. Transition provision.	Same as Senate version	Same as Senate version.
SECTION 7. Saving provision.	Same as Senate version.	Same as Senate version.
SECTION 8. This Act takes effect September 1, 2007.	Same as Senate version.	Same as Senate version.
No equivalent provision.	SECTION __. (a) Section 521.103, Transportation Code, is amended by adding Subsections (c), (d), and (e). (b) Section 521.272, Transportation Code, is amended by adding Subsections (d), (e), and (f). (c) Section 522.033, Transportation Code, is amended by adding Subsections (c), (d), and (e). (d) Saving provision.	Same as Senate version.